

**FALL RIVER COUNTY MINUTES OF FEBRUARY 15, 2011**

The Fall River Board of County Commissioners met in regular session on February 15, 2011. Present Michael Ortner, Deb Russell, Joe Allen, Anne Cassens, Joe Falkenburg, and Sue Ganje, Auditor. Absent none.

Meeting called to order at 9:00 a.m. and Pledge of Allegiance was given.

Agenda was reviewed for conflicts and none were found.

Motion by Falkenburg, seconded by Russell to approve the agenda as written. With no further discussion and all voting yes, the motion carried.

Motion by Falkenburg, seconded by Cassens to approve the minutes of the February 1, 2011 meeting with the correction to reflect SDCL 31-11-42 through 31-11-44 as the codified laws governing private road hearings. With no further discussion and all voting yes, the motion carried.

Auditor Sue Ganje reported on the results of an election to form a road district in the Hot Brook area. On a vote of 14 to 11, residents voted to form the district and Ganje presented the Resolution on Order for Organization and Incorporation of the Hot Brook Area Road District for the Board's approval.

Motion by Cassens, seconded by Russell to approve a Resolution on Order for Organization and Incorporation of the Hot Brook Area Road District and to authorize Chairman Ortner to sign. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2011-09**

ORDER FOR ORGANIZATION AND INCORPORATION  
OF THE HOT BROOK AREA ROAD DISTRICT  
FALL RIVER COUNTY, SOUTH DAKOTA

WHEREAS, all resident registered voters and property owners that are within the proposed district have agreed to and petitioned for the organization of the Hot Brook Area Road District, and

WHEREAS, an Election was held on February 7<sup>th</sup>, 2011 asking the voters to accept or reject the formation of the Hot Brook Area Road District, with 14 voters accepting and 11 voters rejecting the formation of the Hot Brook Area Road District, and

NOW, THEREFORE, BE IT ORDERED, that the Fall River County Commissioners shall declare the Hot Brook Area Road District to be organized and established as a governmental subdivision of the State of South Dakota and a public body, corporate and political, effective as of today's date, with taxing authority for the 2011 tax year payable in 2012 and after, and

BE IT FURTHER ORDERED, that the Hot Brook Area Road District be described as follows: All of blocks 1 through 5 of Plat No. 1 of Hot Brook Estates Subdivision located in Section Sixteen (16), Township Seven South (T7S), Range Five East (R5E), Black Hills Meridian, Fall River County, South Dakota, according to the plat thereof recorded in Book XII of Plats, page 54, in the office of the Fall River County Register of Deeds as well as Tracts 1 through 15 of Hot Brook Overlook subdivision located in the N ½ NE ¼, the SE ¼ NE ¼ and in Lot A in the SW ¼ NE ¼, all in Section 17, Township 7 South, Range 5 East, Black Hills Meridian, Fall River County, South Dakota, according to the plat thereof recorded in Book 18 of Plats, page 21.

DATED this 15<sup>th</sup> day of February, 2011.

/s/ Michael P. Ortner

Michael P. Ortner, Chairman  
Fall River County Board of Commissioners

ATTEST:

/s/ Sue Ganje

Sue Ganje, Fall River County Auditor

Motion by Falkenburg, seconded by Cassens to approve the Auditor's Account with the County Treasurer. With no further discussion and all voting yes, the motion carried.

### AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF FALL RIVER CO.

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of this County on this 31<sup>st</sup> day of January, 2011.

Total Amt of Deposit in Wells Fargo Bank:	<u>\$3,877.76</u>
Total Amt of Deposit in First Interstate Bank, HS:	<u>\$318,226.80</u>
Total Amount of Cash:	<u>\$727.01</u>
Total Amount of Treasurer's Change Fund:	<u>\$900.00</u>
Total Amount of Checks in Treasurer's Possession Not Exceeding Three Days:	<u>\$21,964.06</u>
Provo Township Water Checking, First Interstate, HS:	<u>\$300.00</u>
MONEY MARKET SAVINGS: First Interstate Bank:	<u>\$349,364.90</u>
CERTIFICATES OF DEPOSIT:	
First Interstate, HS:	<u>\$3,620,000.00</u>
Wells Fargo Bank:	<u>\$450,000.00</u>

Itemized list of all items, checks and drafts which have been in the Treasurer's possession over three days:

Register of Deeds Change Fund:	\$500.00
Highway Petty Cash:	\$20.00
Election Petty Cash:	\$15.00

#### RETURNED CHECKS:

Caldwell, Gwendolyn:	\$25.60 - LIC
Goddard, Isaac:	\$213.95 - LIC
Lynda Petersen:	\$1,433.00 - TAXES
Raymond Henry:	\$290.64 - TAXES

**TOTAL \$4,767,858.72**

Dated This 31<sup>st</sup> Day of January, 2011.

/s/ Sue Ganje

Sue Ganje, County Auditor of Fall River County

County Monies:	\$4,339,852.70
Held for other Entities:	\$299,566.86
Held in Trust:	\$28,572.31
<b>TOTAL:</b>	<b><u>\$4,667,991.87</u></b>

THE ABOVE BALANCE REFLECTS COUNTY MONIES, MONIES HELD IN TRUST AND MONIES COLLECTED FOR AND TO BE REMITTED TO OTHER ENTITIES: SCHOOLS, TOWNS, TOWNSHIPS, FIRE AND AMBULANCE DISTRICTS AND STATE.

Ganje presented a request to renew an agreement with Election Systems and Software for a term of three years at the same rate as the current agreement.

Motion by Falkenburg, seconded by Russell to approve renewing an agreement with Election Systems and Software for a three year term for ballot layout, coding, voice file and ballot printing. With no further discussion and all voting yes, the motion carried.

Ganje presented a request for Michele Jensen to attend a welfare training seminar. Motion by Russell, seconded by Falkenburg to approve travel for Michele Jensen to attend a welfare workshop in Pierre on March 16, 2011. With no further discussion and all voting yes, the motion carried.

Ganje asked the Board for a final count on how many commissioners planned to attend the Commissioners Workshop on March 16-17, 2011. Commissioners Cassens, Russell and Ortnier indicated they intend to go to the workshop.

An applicant for County assistance met with the Board. Motion by Falkenburg, seconded by Russell to approve assistance for CP #11-04 in the amount of \$50.00 for gasoline, \$42.00 for rent and \$150.00 for food, with a repayment schedule. With no further discussion and all voting yes, the motion carried.

Discussion was held on the support the Commission wants to give to the proposed gun shooting range; a letter of support will be drafted for approval.

Lanoir Pedersen met with the Board to discuss problems she has experienced with the Provo Township Water improvement project. Ortner will contact Engineer Keith Anderson with the concerns.

A direct-deposit system for County payroll was presented to the Board for approval. Payroll payments will be deposited directly into employee accounts and the plan requires all employees to participate. The March payroll is the anticipated start-date for the new system.

Motion by Russell, seconded by Cassens to approve and authorize the County to begin a program of direct-deposit for payroll payments with mandatory participation by employees. With no further discussion and all voting yes, the motion carried.

Commissioners Allen and Cassens initiated discussion on the jail and transporting prisoners, with Allen presenting a revised draft and Cassens presenting prisoner day costs based on final year end jail costs. Proponents of transporting believe the costs will be lower and have concerns about the building site. Opponents believe expenses for Court-appointed attorney fees will rise; staffing issues will be created in transporting prisoners and dislike paying County funds to another County for services. Sheriff Mraz voiced concerns over liability and staffing issues if the County opts to transport and suggested the County could possibly provide housing for other entities if they chose to build.

Motion by Cassens, seconded by Falkenburg to appoint a three-member building committee to prepare a conceptual draft, to be submitted to the architect for review, which would include using part of the present jail and a potential connection to a new single-floor jail, when feasible. After discussion, Falkenburg called for a roll call vote. With Russell, Allen, Cassens, Falkenburg and Ortner voting yes, the motion carried.

Motion by Falkenburg, seconded by Russell to appoint Ortner, Cassens and Allen to the three-member committee to prepare the conceptual draft. With no further discussion and Falkenburg, Allen, Russell and Ortner voting yes, Cassens voting no, the motion carried.

Janelle Finck, Fisk Land Surveying, presented a plat for approval.

Motion by Cassens, seconded by Russell to approve the plat of SD053 – Lot 1 and SD053 – Lot 2 of WDRPI-SD053 Subdivision as follows. With no further discussion and all voting yes, the motion carried.

**FALL RIVER COUNTY RESOLUTION #2011-10:**

WHEREAS, there has been presented to the County Commissioners of Fall River County, South Dakota, the within Plat of SD053 - Lot 1 and SD053 – Lot 2 of WDRPI-SD053 Subdivision and Dedicated Right-of-Way (located in the N ½ NW ¼ of Section 32 and in portions of Farm Unit 53 in the SW ¼ Section 29) all in T7S, R8E, BHM, Fall River County, South Dakota, and

WHEREAS, it appearing to this Board that the system of streets conforms to the system of streets of existing plats and sections lines of the county; adequate provision is made for access to adjacent unplatted lands by public dedication or section line when physically accessible; all provisions of the County subdivision regulations have been complied with; all taxes and special assessments upon the property have been fully paid; and the plat and survey have been lawfully executed,

NOW THEREFORE, BE IT RESOLVED, that said plat is hereby approved in all respects.  
Dated at Fall River County, South Dakota this 15<sup>th</sup> day of February, 2011.

/S/Michael P. Ortner

Board of Fall River County Commissioners

ATTEST:

/S/Sue Ganje

Sue Ganje, Fall River County Auditor

Highway supervisor Randy Seiler provided brief updates to the Board and presented an approach permit for their approval.

Motion by Falkenburg, seconded by Cassens to approve the permit for an approach as submitted by Steve Simunek to construct an approach road connection to the South side of Oral Road, FRCO #6291, approximately 1200' East of the intersection of Highways 18 and 385 to serve an irrigation field, with a completion date of February 28, 2011. With no further discussion and all voting yes, the motion carried.

Treasurer Lori Bachand met with the Board to present a delinquent tax agreement. Motion by Falkenburg, seconded by Russell to approve a delinquent tax agreement for Louis Henderson in the amount of \$100.00 per month for parcel numbers 65220-00400-01300, 65220-00400-0140 and 65220-00400-01510, and authorize the Chairman to sign. With no further discussion and all voting yes, the motion carried.

Public Comment was held. Cassens informed the Board of a training session offered by the American Stewards of Liberty, "Coordination, a Strategy for Local Control" on implementing coordination with state and federal agencies to protect local economy, property rights and way of life. The training will be held on February 24, 2011 in Rapid City.

Barb Sharp voiced her approval of the Board's development of hiring procedures that include background checks. Susan Henderson offered suggestions on sources for developing personnel policies and cautioned the Board to hold off on proceeding with a jail until liabilities due to pending lawsuits are resolved.

Bill Clark informed the Board that a group is forming in Edgemont to explore emergency procedures such as providing food and shelter to residents. The group will be looking at existing agencies, including law enforcement, fire and ambulance services that could serve as assets in the case of such an event as well as training needs for a local core group. A State citizen core program offers training and provides a framework of developing an emergency plan which includes identifying responsible individuals, emergency facilities and portable generator preparedness within the community. Cassens voiced her support of the efforts and encouraged them to coordinate with existing emergency plans.

Susan Henderson indicated a need for independent power as she has concerns there are no resources to provide power should the supply become interrupted.

Frank Maynard, Emergency Management, advised the Board that the Corps of Engineers is monitoring water levels and expects that Cold Brook will require a draw-down soon. Quotes were presented for Automated External Defibrillators and Maynard is pursuing grants which might aid with the expense.

MGT 338: Risk and Vulnerability Assessment for Rural Communities training is being offered in Pierre during March. Maynard also presented a quote for air quality testing in the courthouse and recommended the Board approve the test. Motion by Russell, seconded by Ortner to approve air quality testing by Environ in the amount of \$2,993.00, with the cost to be split between all courthouse offices. With no further discussion and all voting yes, the motion carried.

The fire danger index for the plain is high and Maynard suggested reviewing the burn ban to insure it addresses current needs. Maynard is also complying with the State Department

of Public Safety's efforts to compile a list in the County of all state radios to assess whether they are narrow-band compatible.

Building Supervisor Carl Neisner met with the Board and presented a request for travel approval to attend a one-day custodial training seminar in Deadwood on March 10, 2011. Neisner and assistant, Joe Mendez, plan to attend the seminar.

Motion by Falkenburg, seconded by Allen to approve a travel request for Carl Neisner and Joe Mendez to travel to Deadwood on March 10, 2011 for a training seminar. With no further discussion and all voting yes, the motion carried.

Neisner also asked the Board for a temporary increase to the hours available for his part-time employee. Motion by Ortner, seconded by Falkenburg to approve four additional hours per week for part-time employee Richard Kraima, for a three-month period. With no further discussion and all voting yes, the motion carried.

Tom Davis asked how many employees were in the Emergency Management Department and if they use County vehicles.

Terri Halls, Director of Equalization, met with the Board to present an abatement request for Jess Harris, who did not receive owner-occupied status. Motion by Falkenburg, seconded by Allen to approve a refund for Jess Harris in the amount of \$639.53 for 2009 taxes and an abatement in the amount of \$659.69 for 2010 taxes, all for parcel #21000-00806-13140, Tract Harris, Section 13, Twp 8, Rng 6. With no further discussion and all voting yes, the motion carried.

Sheriff Rich Mraz asked the Board to approve the hire of Cheryl Davis as a part-time, temporary secretary in the Sheriff's Office. The position will provide assistance while full-time secretary Pat Logue is out on extended family leave.

Motion by Falkenburg, seconded by Russell to hire Cheryl Davis as a part-time, temporary secretary in the Sheriff's Office at a rate of \$9.00 per hour, starting immediately. With no further discussion and all voting yes, the motion carried.

Mraz also advised the Board that new-hire Josh Buckwheat will start law enforcement training on February 28, 2011.

Veterans Services Officer Paul Miller met with the Board to advise them he is assisting clients from three Counties in addition to Fall River County. Commissioners asked that Miller keep a tally of Shannon County veterans he assists.

Commissioner Falkenburg initiated discussion on County-owned property in Ardmore. The Auditor will ask the Fall River Historical Society if they have an interest in the old water tower and pump house.

Motion by Falkenburg, seconded by Allen to enter into Executive Session for personnel matters, the time being 11:56 p.m. With no further discussion and all voting yes, the motion carried.

The Board came out of Executive Session at 12:00 p.m.

Motion by Cassens, seconded by Russell to approve the following bills as presented. With no further discussion and all voting yes, the motion carried.

**GENERAL FUND**

A&B BUSINESS EQUIPMENT	COPIER	\$	328.32
BEESLEY LAW OFFICE	CAAF	\$	529.10
BLACK HILLS CHEMICAL	SUPPLY	\$	413.57

BLACK HILLS POWERSPORTS	REPAIR	\$ 256.06
BINGHAM, JAMES	CAAF	\$ 123.00
BLACK HILLS POWER	UTILITY	\$ 2,990.24
CARDMEMBER SERVICE	MISC	\$ 1,192.27
CAROL BUTZMAN CONSULTING	MI	\$ 820.09
CBM FOOD SERVICE	INMATE	\$ 768.24
CENTRAL BODY SHOP	CAR REPAIR	\$ 8,058.00
CENTURY BUSINESS LEASING	COPIER	\$ 374.79
CHEMSEARCH	SUPPLY	\$ 172.69
CHEYENNE SANITATION	UTILITY	\$ 322.00
CITY/CO ALCOHOL & DRUG	DETOX	\$ 330.00
CLINICAL LAB	AUTOPSY	\$ 1,957.00
CULLIGAN SOFT WATER	WATER	\$ 84.25
DAKOTA SUPPLY GROUP	SUPPLY	\$ 358.08
EDGEMONT HERALD TRIBUNE	PUBLISHING	\$ 616.05
FALKENBURG, JOE	TRAVEL	\$ 131.82
FALL RIVER PAWN	SNOW REMOVAL	\$ 100.00
FR SOIL CONSERVATION DIST	ALLOTMENT	\$ 10,500.00
FRED PRYOR SEMINARS	REG	\$ 99.00
GOLDEN WEST	TELEPHONE	\$ 1,652.53
GRANT COUNTY NEWS AND	PUBLISHING	\$ 87.10
GRAPHICS PLUS	SUPPLY	\$ 88.35
GRIMM'S PUMP SERVICE INC	REPAIR	\$ 55.61
H & R SPRINKLER SYSTEMS	SNOW REM	\$ 140.00
HEARTLAND PAPER CO	SUPPLY	\$ 423.54
HIGH PLAINS GRAPHICS	SUPPLY	\$ 95.00
HILLYARD FLOOR CARE SUPP	SUPPLY	\$ 179.41
CITY OF HOT SPRINGS	UTILITY	\$ 286.55
IBM CORPORATION	MAINTENANCE	\$ 59.85
LEWIS & CLARK MENTAL	MI	\$ 142.00
LYLE'S HANDYMAN	REPAIR	\$ 53.55
MENARDS	SUPPLY	\$ 445.04
MICROFILM IMAGING SYSTEMS	LEASE	\$ 195.00
MINNEHAHA COUNTY REGIONAL	JUVENILE	\$ 1,935.00
NEISNER CARL	SUPPLY	\$ 8.51
NETTINGA, JOAN	SUPPLY	\$ 70.46
OELRICHS SENIOR CITIZENS	ALLOTMENT	\$ 600.00
SONNEL TECHNOLOGIES	SUPPLY	\$ 452.20
O'NEILL, JUSTIN	CAAF	\$ 850.75
PENNINGTON COUNTY	MI	\$ 219.00
PENN CO JAIL	INMATE	\$ 1,175.00
PLUMBING HEATING & AC	REPAIR	\$ 76.50
PRAIRIE HILLS TRANSIT	ALLOTMENT	\$ 10,000.00
QUILL CORPORATION	SUPPLY	\$ 924.97
RANCHERS FEED & SUPPLY	SUPPLY	\$ 13.77
RAPID CITY JOURNAL (THE)	PUBLISHING	\$ 15.23
RICK'S AUTO CENTER	CAR MAINT	\$ 193.60
RUSHMORE COMMUNICATIONS	REPAIR	\$ 99.00
RUSSELL, DEBORAH	TRAVEL	\$ 74.74
SAXTON, TANNER	REPAIR	\$ 216.79
SD ASSN OF COUNTY COMM.	LEGAL	\$ 2,218.62
SERVALL	SUPPLY	\$ 86.71
SKINNER, MATTHEW L. PC	CAAF	\$ 1,331.90
SOFTWARE SERVICES INC	SUPPORT	\$ 1,090.00
STATE REMITTANCE CENTER	MI	\$ 1,358.65
STEPHENS MATTHEW T	CAAF	\$ 500.00
STEVENS PLUMBING	REPAIR	\$ 68.88

TEMPERATURE TECHNOLOGY	REPAIR	\$ 474.04
TETON TIMES	PUBLISHING	\$ 35.84
VERIZON WIRELESS	CELL PHONE	\$ 497.24
WESTERN BUSINESS SOLUTION	CONTRACT	\$ 386.00
WESTERN SD JUV SERV CTR	JUVENILE	\$ 1,075.00
WINTER, PAUL R	CAAF	\$ 290.08
	<b>GENERAL FUND TOTAL</b>	<b>\$ 60,766.58</b>

**ROAD & BRIDGE**

CARDMEMBER SERVICE	MISC	\$ 89.56
GOLDEN WEST	TELEPHONE	\$ 249.99
VERIZON WIRELESS	CELL PHONE	\$ 31.94
	<b>ROAD &amp; BRIDGE TOTAL</b>	<b>\$ 371.49</b>

**911 SURCHARGE REIMBUR.**

GOLDEN WEST	TELEPHONE	\$ 36.85
QWEST	911 LONG DIST	\$ 5.23
QWEST	911 TELEPHONE	\$ 629.47
	<b>911 REIMBUR. TOTAL</b>	<b>\$ 671.55</b>

**EMERGENCY MGT**

CARDMEMBER SERVICE	MISC	\$ 899.91
DIVISION OF MOTOR VEHICLE	LIC PLATES	\$ 64.00
GOLDEN WEST	TELEPHONE	\$ 106.77
QUILL CORPORATION	SUPPLY	\$ 19.79
VERIZON WIRELESS	CELL PHONE	\$ 121.12
	<b>EM MGMT TOTAL</b>	<b>\$ 1,211.59</b>

**L.E.P.C. GRANT**

BURT, CURTIS	LEPC	\$ 100.00
CARDMEMBER SERVICE	MISC	\$ 259.49
HSR FUELING LLC	LEPC	\$ 90.66
PUDWILL, NORMAN	LEPC	\$ 60.00
	<b>L.E.P.C. GRANT</b>	<b>\$ 510.15</b>

**GRAND TOTAL \$ 63,531.36**

Motion by Russell, seconded by Falkenburg to adjourn. With no further discussion and all voting yes, the motion carried and the Board adjourned at 12:01 p.m.

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Michael P. Ortner, Chairman  
Board of Fall River County Commissioners

ATTEST:

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Sue Ganje, Fall River County Auditor